

HMK/mhb CH 7944

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
FEDERAL INSURANCE COMPANY,

Plaintiff,

07 CIV 9872 (SHS)(DF)
ECF CASE

-against-

SOUTHWEST TRANSPORT, INC.

COMPLAINT

Defendant.
-----X

Plaintiff through its attorneys KINGSLEY, KINGSLEY & CALKINS allege for their complaint herein:

1. This is a claim arising under the Court's Federal question jurisdiction with respect to the interstate carriage of goods by surface motor common carrier, pursuant to 28 U.S.C. §1331, and under the Interstate Commerce Act and 49 U.S.C. §14706, and under the Court's diversity and pendent jurisdiction with respect to the remaining aspects of the claim.

2. Plaintiff is the owner or duly authorized representative of the owner or underwriters or subrogated underwriters of a cargo of fabric in new good order and condition shipped from LaFrance, So. Carolina to Laredo, Texas on or about April 13, 2007, on board defendant's truck and other conveyances, and for which bills of lading and receipt no. 97160 through 164 were issued by or on behalf of defendant.

3. Defendant was the motor common carrier, freight forwarder, broker, operator, terminal operator, common carrier by air and by land, and bailee for hire with

respect to the cargo described above which was carried and kept aboard the defendant's inland conveyances, terminals and warehouse by defendant.

4. The cargo described above was lost and damaged by defendant due to the fault, neglect, deviation, tort, tortious interference with contract, breach of warranty and contract, statutory violations, salvage expenses, and conversion of defendant, its agents and servants, and delivered by defendant in non-conforming condition, mis-delivered and non-delivered.

5. Plaintiff sues on its own behalf and as agent and trustee on behalf of any other party who may now have or hereinafter acquire an interest in this action.

6. Plaintiff's damages are in excess of \$75,380.68.

WHEREFORE, plaintiff demands judgment in an amount exceeding \$75,380.68.

Dated: November 6, 2007

KINGSLEY, KINGSLEY & CALKINS
Attorneys for Plaintiff

BY: __/S/_____
HAROLD M. KINGSLEY
91 West Cherry Street
Hicksville, New York 11801
(516) 931-0064
hmk@kingsleyandkingsley.com